

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ERLINDA MARCELO,

Plaintiff,

vs.

PERFUMANIA, INC.; MAGNIFIQUE
PARFUMES AND COSMETICS, INC.; and
DOES 1 through 10,

Defendants.

Case No: C 10-4740 SBA

**ORDER GRANTING
DEFENDANTS' UNOPPOSED EX
PARTE APPLICATION**

Defendants have filed an ex parte application to extend the law and motion cut-off of December 13, 2011. Specifically, Defendants indicate that they intend to file a dispositive motion, but that the Court's law and motion is full on that date. In addition, Defendants state that their proposed extension will facilitate the parties' settlement discussions. Plaintiff does not oppose Defendants' request. Good cause appearing,

IT IS HEREBY ORDERED THAT:

1. Defendants' ex parte application to extend the law and motion cut off is GRANTED.

2. Defendants shall file their motion for summary judgment¹ by January 3, 2012. Plaintiff's opposition shall be filed by no later than January 17, 2012, and Defendants' reply shall be filed by no later than January 24, 2012. The motion hearing will take place on February 7, 2012 at 1:00 p.m. The Court, in its discretion, may resolve the

¹ Defendants' ex parte application makes reference to "motions for summary judgment and/or partial summary judgment and a motion to exclude expert witnesses. The Court's Standing Orders permit only one summary judgment motion per side. To the extent that Defendants intend to raise the issue of Plaintiff's experts at this juncture, they shall do so in the same brief as their motion for summary judgment.

1 motion without oral argument. Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b). The parties are
2 advised to check the Court's website to determine whether a court appearance is required.

3 3. The Order for Pretrial Preparation, filed April 15, 2011, (Dkt. 26) is
4 MODIFIED as follows:

- | | | | |
|----|----|---|----------------------|
| 5 | a. | Pretrial preparation due: | 3/13/12 |
| 6 | b. | Motions in limine/objections to evidence ² : | 3/20/12 |
| 7 | c. | Responses to motions in limine/
8 objections to evidence: | 3/27/12 |
| 9 | d. | Replies in support of motions in limine/
objections to evidence: | 4/3/12 |
| 10 | e. | Pretrial conference: | 4/17/12 at 1:00 p.m. |
| 11 | f. | Trial date (5-6 day jury trial): | 4/30/12 at 8:30 a.m. |
| 12 | g. | Mandatory settlement conference: | 2/13/12-3/9/12 |

13
14 4. No further requests to continue the trial date or any other scheduled dates or
15 deadlines will be considered absent exigent and unforeseen circumstances.

16 5. This Order terminates Docket 44.

17 IT IS SO ORDERED.

18 Dated: October 28, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

19
20
21
22
23
24
25 ² All motions in limine submitted by each party shall be set forth in a single
26 memorandum, not to exceed ten (10) pages in length. Responses to the motions in limine
27 shall be set forth in a single memorandum, not to exceed ten (10) pages in length. Reply
28 briefs shall not exceed six (6) pages. No motions in limine will be considered unless the
parties certify that they met and conferred prior to the filing of such motion. Any request to
exceed the page limit must be submitted prior to the deadline for these briefs and must be
supported by a showing of good cause, along with a certification that the applicant has met
and conferred with the opposing party.